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November 26, 1997

*BY HAND DELIVERY*

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20004

**Re: Petition for Rulemaking to Amend FM Table of  
Allotments to Move the Community of License of  
WHQK(FM), Marysville, Ohio, to Hilliard, Ohio**

Dear Ms. Salas:

On behalf of Citicasters Co. ("Citicasters"), the licensee of WHQK(FM), Marysville, Ohio, please find enclosed an original and four copies of a Petition for Rulemaking to amend the FM Table of Allotments, 47 C.F.R. § 73.202, to shift the allotment of Channel 289A from Marysville, Ohio, to Hilliard, Ohio, and to modify the license of WHQK(FM) to specify operations on Channel 289A in Hilliard, Ohio.

This application is submitted simultaneously with an application on FCC Form 301, also by Citicasters, to modify the transmitter site of WCHO-FM, Washington Court House, Ohio. That modification is necessary to this request, as described in the Technical Exhibit attached to this Petition.

The application is filed consistent with Section 1.421(i) of the Commission's Rules. Please contact the undersigned with questions.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

By:   
F. William LeBeau

O+4  
MMB

Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202	)	RM No. _____
of the Commission's Rules	)	
Table of Allotments	)	MM Docket No. _____
For FM Broadcast Stations	)	
(Marysville and Hilliard, Ohio)	)	

To the Commission:

**PETITION FOR RULEMAKING**

CITICASTERS CO. ("Citicasters"), licensee of WHQK(FM), Channel 289A, Marysville, Ohio, by its attorneys, hereby respectfully petitions the Commission for modification of the Commission's Table of Allotments for FM Broadcast Stations (Section 73.202 of the Commission's Rules) to: (a) delete Channel 289A from Marysville, Ohio; (b) add Channel 289A to Hilliard, Ohio; and (c) modify the license of WHQK(FM) to specify operations on Channel 289A in Hilliard, Ohio, in lieu of operation on Channel 289A in Marysville, Ohio. In support whereof, it is shown as follows:

The public interest would be better served by the allotment change proposed herein. Annexed hereto as Exhibit 1 is a statement supporting this proposition. Annexed hereto as Exhibit 2 is an Engineering Statement demonstrating that the proposed allotment change, involving a change in

community of license, can be accomplished consistent with the Commission's technical rules.

WHEREFORE, the foregoing premises considered, Citicasters respectfully requests that the Commission institute a rulemaking proceeding contemplating the aforementioned allotment changes.

Respectfully submitted,

CITICASTERS CO.

By:   
F. William LeBeau

HOGAN & HARTSON L.L.P.  
555 13th Street, N.W.  
Washington, DC 20004  
(202) 637-5600  
Its Attorneys

November 26, 1997

## EXHIBIT 1

Hilliard, Ohio, an incorporated city in central Ohio, is entitled to a preference as a first local service. Accordingly, the reallocation of Channel 289A from Marysville to Hilliard would be a preferential arrangement of allotments and consistent with the public interest.

In the *Memorandum Opinion and Order On Reconsideration, New Community of License*, 5 FCC Rcd 7094 (1990), the Commission stated that reallocation proposals seeking a first local service preference for a community in an Urbanized Area should address the criteria set forth in *Faye and Richard Tuck, Inc.*, 3 FCC Rcd 5374 (1988), among other Commission precedent. Those criteria include whether the suburban community has a significant population as compared to the central city and whether the suburban community is heavily interdependent on that city.

Hilliard meets this criteria. Although it lies within the Columbus, Ohio Urbanized Area, it is a significant population center, with a 1990 Census reported population of 11,796. Moreover, it, according to recent reports, is among the fastest growing cities in Ohio, and its population was recently estimated as approximately 19,000.

More important, although Hilliard is not remote from Columbus, it is hardly dependent on that city for services. Hilliard has its own city government, including its own mayor, its own recreation and parks department, and its own police and fire departments. It has its own school district and church listings. It

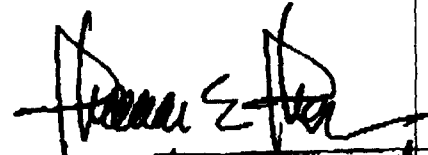
has a number of its own medical facilities, including the Hilliard Chiropractic Center, the Hilliard Foot & Ankle Center, the Mt. Carmel Health System -- Hilliard Branch, and the Hilliard Square Medical Center. Although it does not have any of its own broadcast services, it does boast its own weekly newspaper, the Hilliard Northwest News. It has a zip code independent of Columbus and is distinct from Columbus in the eyes of its community leaders and residents.

In addition, Hilliard is a commercial center in its own right. The headquarters of CompuServe, one of the leading on-line services in the United States, is in Hilliard. And Hilliard has many of its own restaurants, grocery stores, and other retail outlets. Finally, the state has recognized the need for Hilliard to have its own transit services, as the Central Ohio Designated Transit Authority operates an express bus service for Hilliard.

In short, Hilliard merits a broadcast station of its own. Marysville, the town to which WHQK(FM) is currently assigned, also has an AM station of its own, even though Marysville's population, according to the 1990 Census, is only 9,656. By shifting WHQK(FM) to Hilliard, the Commission will better allot scarce frequencies by ensuring the larger community of Hilliard at least one broadcast station that it may call its own.

**DECLARATION**

I, Thomas E. Thad, hereby declare under penalty of perjury  
that the facts set forth in the foregoing Petition are true and correct to the best of  
my knowledge, information and belief.

  
Name: Thomas E. Thad  
Title: Senior Counselor  
Market Manager

## **EXHIBIT 2**

***du Treil, Lundin & Rackley, Inc.***

A Subsidiary of A.D. Ring, P.A.

TECHNICAL EXHIBIT  
IN SUPPORT OF  
A PETITION FOR RULE MAKING  
TO AMEND THE FM TABLE OF ALLOTMENTS  
MARYSVILLE AND HILLIARD, OHIO

Technical Narrative

This technical narrative and associated exhibits have been prepared on station WHQK in support of a Petition for Rule Making to amend Section 73.202(b) by the reallocation of channel 289A (105.7 MHz) from Marysville to Hilliard, Ohio and the modification of the license (BLH-841118KL) of WHQK accordingly. As the requested change is mutually exclusive with the allotment of channel 289A at Marysville, Petitioner invokes the provisions of Section 1.420(i).

The following is a summary of the reallocation proposal:

- The community of Hilliard (1990 census population 11,796) will be provided with its first local aural transmission service and Marysville (1990 census population 9,656) will continue to have local service from fulltime station WUCO(AM).
- The proposed WHQK operation will not place a 70 dBu signal over 50% or more of the Columbus Urbanized Area.
- The number of persons within the WHQK 60 dBu contour will increase by 470,184 persons.

Proposed Change in Table of Allotments

Station WHQK is currently licensed to operate on channel 289A at Marysville, Ohio with an effective radiated power (ERP) of 2.5 kW and an antenna height above average terrain (HAAT) of 156 meters.

***du Treil, Lundin & Rackley, Inc.***

A Subsidiary of A.D. Ring, P.A.

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Marysville and Hilliard, Ohio

Marysville, is located in Union County, Ohio and has a 1990 U.S. Census population of 9,656 persons. Station WUCO(AM) is currently licensed (BL-840518AA) to serve Marysville. Therefore, adoption of the proposal will not deprive Marysville of its sole "existing" local service.

Hilliard is located in Franklin County, Ohio and has a 1990 U.S. Census population of 11,796 persons. Hilliard has no local FM or AM service and, therefore, Petitioner's proposal would bring first local broadcast service to Hilliard. Accordingly, Petitioner requests modification of the FM allocation table as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Marysville, Ohio	289A	--
Hilliard, Ohio	--	289A

Compliance With FCC Rules

The attached Figure 1 is a tabulation of required separations pertinent to use of channel 289A at Hilliard.<sup>1</sup> The reference site complies with the Commission's minimum distance separation requirements contained in section 73.207 to all existing, authorized and proposed stations and allotments, except to the licensed WHQK facilities and the licensed facilities of WCHO-FM on channel 288A at Washington Court House, Ohio. However, WCHO-FM is concurrently filing an application to relocate transmitter site which will be fully-spaced to the instant proposal. Operation from the Hilliard reference site will provide the requisite city grade signal to all of Hilliard.

<sup>1</sup>The geographic coordinates for Channel 289A at Hilliard are North Latitude 40°03'26" and West Longitude 83°08'36".

***du Treil, Lundin & Rackley, Inc.***

A Subsidiary of A.D. Ring, P.A.

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Marysville and Hilliard, Ohio

Figure 2 is a map which was developed using the 1990 U.S. Census Topologically Integrated Geographic Encoding and Referencing (TIGER)/Line files and which shows the area to locate channel 289A at Hilliard in compliance with the Commission's minimum distance separation requirements and city coverage requirements based on maximum Class A facilities (ERP 6 kW/HAAT 100 m). The Hilliard city limits shown on Figure 2 were also obtained from the TIGER/Line files.

Pursuant to Section 1.420(i), the Commission will consider petitions to modify the license of an FM station to specify a new community if the proposed allotment would be mutually exclusive with the present assignment. As the entire area to locate for channel 289A at Hilliard, depicted on Figure 2, would be short-spaced to the licensed WHQK site, the new allotment is mutually exclusive with the existing allotment.

**Urbanized Area Considerations**

Hilliard, Ohio is located within the Columbus Urbanized Area. However, the proposed 70 dBu contour will encompass less than 50% of the Columbus Urbanized Area.

**60 dBu Gain Area**

The authorized WHQK 60 dBu contour encompasses 498,569 persons within 2,515 square kilometers. The proposed 60 dBu contour will encompass 968,753 persons within 2,515 square kilometers. Therefore, adoption of the Petitioner's proposal will result in an increase in the number of persons within the 60 dBu contour of 470,184 persons.

***du Treil, Lundin & Rackley, Inc.***

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Marysville and Hilliard, Ohio

Coverage Contours

The FM predicted coverage contours were calculated in accordance with the provisions of Section 73.313, except that uniform terrain was presumed in all directions.

Population and Area

The population within each FM 60 dBu (primary service) contour were calculated using a computer program that utilizes the 1990 U.S. Census database of "population centroids". The program adds the populations of those U.S. Census designated areas whose centroid was within each service area. The area within each FM primary service contour was calculated using a root mean square algorithm.

Conclusion

Channel 289A can be reallocated from Marysville, Ohio to Hilliard, Ohio in compliance with all applicable Commission Rules. The proposed 70 dBu contour will not encompass 50% or more of an Urbanized area. Furthermore, adoption of the proposal will increase the number of persons within the WHQK 60 dBu contour by 470,184 persons.

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Marysville and Hilliard, Ohio

Therefore, Petitioner requests the reallocation of channel 289A from Marysville to Hilliard, Ohio and the modification of the WHQK license (BLH-941118KL).



W. Jeffrey Reynolds

du Treil, Lundin & Rackley, Inc.  
240 North Washington Blvd.  
Suite 700  
Sarasota, Florida 34236

November 25, 1997

TECHNICAL EXHIBIT  
IN SUPPORT OF  
A PETITION FOR RULE MAKING  
TO AMEND THE FM TABLE OF ALLOTMENTS  
MARYSVILLE AND HILLIARD, OHIO

FM SEPARATION STUDY

Job Title : Proposed WHQK, Hilliard, OH                      Separation Buffer 32 km  
FCC DB Date : 11/21/97  
Channel 289A (105.7 MHz)                      Coordinates : 40-03-26 83-08-36

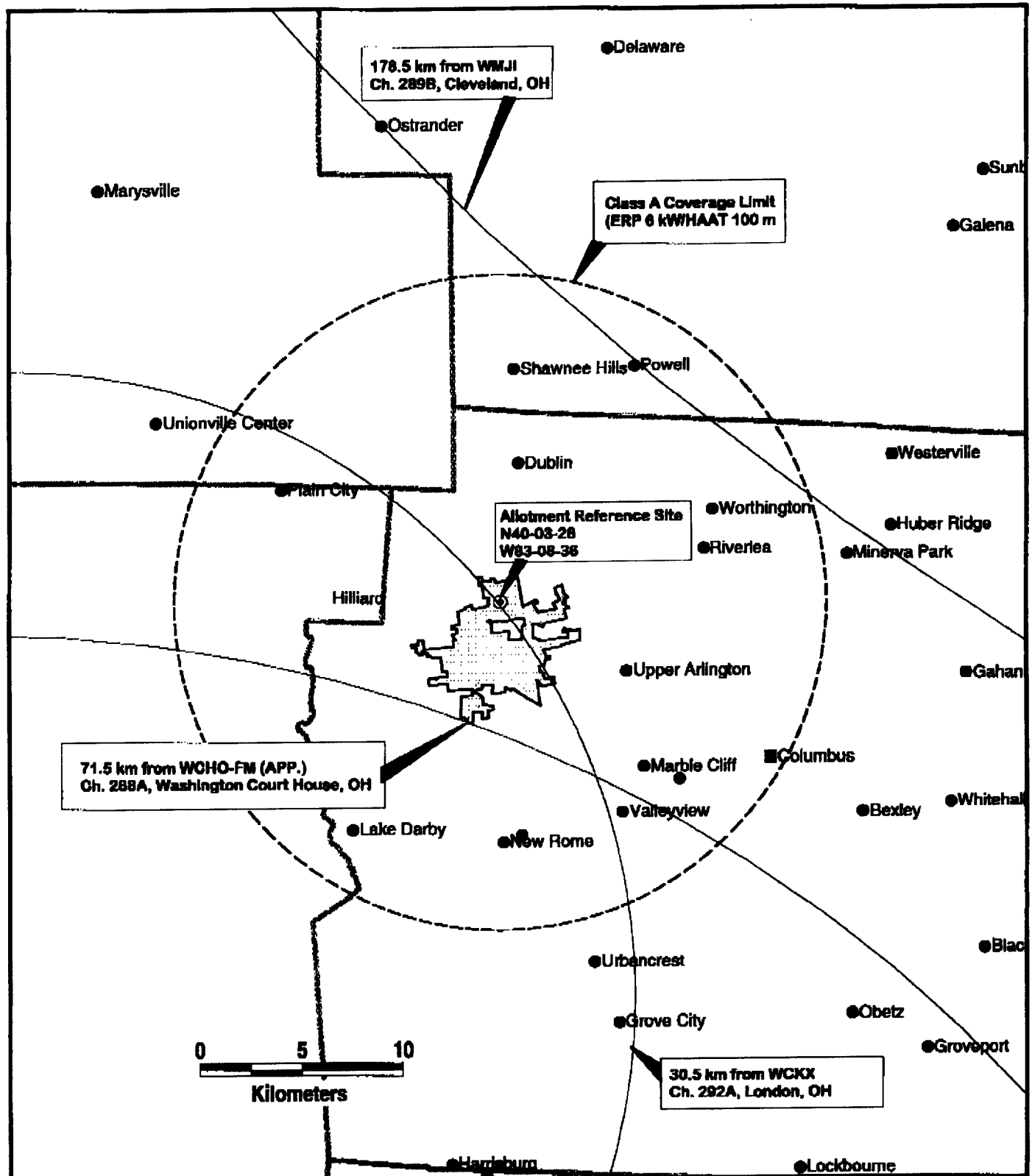
Call Status	City State	FCC File No.	Channel Freq.	ERP(kw) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
WYHT LIC	Mansfield OH	BLH6750	287B 105.3	50. 113.0	40-46-09 82-32-23	32.6	94.22 25.22	69 CLEAR
WCHOFM LIC	Washington Court Hou OH	288A BLH4254	3.00 105.5	39-32-59 83-27-10	205.2	62.28 -9.72	72 SHORT <sup>1</sup>	
Class B1 with respect to Canada-Accepted by Canada on 901108								
WCHOFM APP	Washington Court Hou OH	288A	6.00 105.5	39-24-01 83-26-48	199.7	77.44 5.44	72 CLOSE <sup>1</sup>	
WMVRFM LIC	Sidney OH	288A BMLH920113KJ	4.9 105.5	40-18-04 84-12-21	287.1	94.47 22.47	72 CLEAR	
Class B1 with respect to Canada-Accepted by Canada on 901108								
WHQK LIC	Marysville OH	289A BLH941118KL	2.50 105.7	40-10-26 83-14-42	326.4	15.60 -99.40	115 SHORT <sup>2</sup>	
Proposed to Canada as B1 on 901029 - Accepted by Canada 901226								
WLGCFM LIC	Greenup KY	289C3 BLH920420KC	11.5 105.7	38-35-44 82-51-20	171.2	164.17 22.17	142 CLEAR	
WMJI LIC	Cleveland OH	289B BLH940823KS	16. 105.7	41-23-02 81-41-44	39.1	191.50 13.50	178 CLOSE	
Grandfathered at 27Kw @ 274M Haat or Equivalent Accepted by Canada on 930105-Specially-negotiated, shortspaced channel-								
WPFBFM LIC	Middletown OH	290B BLH5985	34. 105.9	39-30-57 84-21-05	240.1	119.68 6.68	113 CLOSE	
WVNOFM LIC	Mansfield OH	291B BLH911030KB	40. 106.1	40-45-50 82-37-04	29.4	90.27 21.27	69 CLEAR	
WCKX LIC	London OH	292A BLH920828KF	6.0 106.3	39-53-05 83-25-23	231.3	30.64 -0.36	31 CLOSE <sup>3</sup>	
ERP exceeds the maximum allowed under international agreements								

\*\* End of separation study for channel 289A \*\*

<sup>1</sup> WCHO-FM is concurrently filing an application to relocate transmitter site which is fully-spaced with the instant proposal.

<sup>2</sup> Existing WHQK site. Requested reallocation of channel 289A to Hilliard is mutually exclusive with Petitioner's current channel 289A allotment at Marysville, Ohio.

<sup>3</sup> Complies with Section 73.207 when rounded to the nearest whole kilometer pursuant to Section 73.208(c)(8).



**AREA TO LOCATE  
CHANNEL 289A  
HILLIARD, OHIO**

du Treil, Lundin & Rackley, Inc. Sarasota, Florida